IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 34819 of 2004(T)

AGAINST THE ORDER IN EP.524/95 IN OS.658/1988 of II ADDL.SUB COURT,THRISSUR

.....

PETITIONER:

SATHEESH, AGED 30, S/O.LATE KUTTAPPAN, PADINJAROOT HOUSE, KIZHAKKUMPURAM DESOM, MANAKKADY VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

GIRIJAN S/O. NAMBALATTU DEVAKI AMMA, AYYANTHOLE VILLAGE DESOM, THRISSUR TALUK.

BY ADV. SRI.D.ANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.34819/2004 T

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT IN O.S.NO.658/88 DTD. 22/02/1990 ON THE FILE OF THE SUB COURT THRISSUR.**

EXT.P2: **COPY OF THE EXECUTION PETITION IN E.P.NO.524/95 IN O.S.NO.658/88 ON THE FILE OF THE SUB COURT, THRISSUR DTD. 20/12/1995.**

EXT.P3: **COPY OF THE REGISTERED WILL EXECUTED BY JOHN DTD. 7/03/1994.**

EXT.P4: **COPY OF THE ORDER PASSED IN E.A.NO.1080/00 IN E.P.NO. 524/95 IN O.S.NO.6581/1988 DTD. 26/10/2004.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 34819 of 2004

Dated this the 16th day of August , 2007

JUDGMENT

Ext.P4 order, by which the Execution Court allowed the respondent to come on record as an additional decree holder being the executor of a registered Will executed by the deceased original decree holder is under challenge. Even though Sri.Sreekumar G., the learned counsel for the petitioner has flayed Ext.P4 on the basis of all the grounds raised in the writ petition, I am not prepared to agree that Ext.P4 is vitiated to the extent of justifying interference by this court under supervisory jurisdiction under Article 227 of the Constitution.

Challenge against Ext.P4 fails. The writ petition is dismissed.

PIUS C. KURIAKOSE,
JUDGE.

Dpk